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APPLICATION NO.	CATION NO. FILING DATE FIRST NAME		ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/845,700 04/30/2001		Brent D. Brookler	11220-003	2640	
7590 12/06/2005			EXAMINER		
John F. Letchford Klehr, Harrison, Harvey, Branzburg, & Ellers			VAN BRAMER, JOHN W		
260 South Broad Street			ART UNIT	PAPER NUMBER	
Philadelphia, I	PA 19102	3622	3622		

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application	on No.	Applicant(s)	
John Van Bramer 3922 John Van With Charlow 3922 John Van With Charlow 3922 John Van With Charlow 3922 John Van Van With Charlow 3922 John Van Van With Charlow 3922 John Van Van Van Van Van Van Van Van Van Va		09/845,700 BROOKLER ET		BROOKLER ET AL.	
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions for tempty be evaluate under the provisions of 3 CFR 11/30(i) in or event, however, may suply be timely fixed to the correspondence of 3 CFR 11/30(i) in or event, however, may suply be timely fixed to the correspondence of 3 CFR 11/30(i) in or event, however, may suply be timely fixed to the corrumination. Fallius to precome plants with the process of 3 CFR 11/30(i) in or event, however, may suply be timely fixed to the corrumination. Fallius to precome plants with the process of 3 CFR 11/30(i) in or event, however, may supply the time of the corrumination. Fallius to precome plants the supposition of the maining date of this communication, even if timely fixed, may reduce any sensor plants that may approximate the maining date of this communication, even if timely fixed, may reduce any sensor plants that may applicate the maining date of this communication, even if timely fixed, may reduce any sensor plants that may be supposed to the plants of the maining date of this communication. 1) ○ Responsive to communication(s) filled on 30 April 2001. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ○ Claim(s) 1.20 is/are pending in the application. 4a) ○ Claim(s) 1.20 is/are ellowed. 5) □ Claim(s) 1.20 is/are ellowed. 6) ○ Claim(s) 1.20 is/are ellowed. 6) ○ Claim(s) 1.20 is/are ellowed. 7) □ Claim(s) 1.20 is/are ellowed. 8) □ Claim(s) 1.20 is/are ellowed. 8) □ Claim(s) 1.20 is/are ellowed. 9) □ The drawing(s) filed on 02 August 2001 is/are. a) □ accepted or b) □ objected to by the Examiner. 10) □ The drawing(s) filed on 02 August 2001 is/are. a)	Office Action Summary	Examine		Art Unit	
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1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 3) Other: J.S. Patent and Trademark Office	AMachini antic)		•		
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3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) 6) Other:			Paper No(s)/Mail D	oate	
	3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08	3)	· —	Patent Application (PTO-	152)
	U.S. Patent and Trademark Office PTOL-326 (Rev. 7-05) Office A	Action Summa	ary P	art of Paper No./Mail Dat	e 20051116

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DETAILED ACTION

Drawings

- 1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:
 - a. (52) Markup language translation layer
 - b. (84) User session stream
 - c. (86) User profile stream
 - d. (88) User response stream

The original drawings filed on April 30, 2001 do contain these numerical identifiers along with their textual descriptions, which are referenced throughout the specification. However, the corrected drawings filed on August 2, 2001 do not contain these reference items and as such require amendment.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of

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any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: On page 7, line 5 of the specification; the "publishing engine" is identified as (12). This appears to be a typographical error since every other reference to the "publishing engine" throughout the specification uses (14) as its identifier. Additionally, (12) is referenced as a "survey input database" throughout the specification and appears to be a separate part of the claimed invention based upon the drawings.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 4. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by West et al. (U.S. Patent Number: 6,175,833).

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Claim 1: West discloses a process for conducting an electronic survey, said process comprising the steps of:

- a. Creating an electronic survey. (Col 4, lines 43-49)
- Sending said survey to a plurality of users having different types of electronic interface devices. (Col 3, lines 49-53; Col 4, lines 9-16; and Col 6, lines 28-38)
- c. Accessing user data generated in response to said survey using at least one type of electronic interface device. (Col 6, lines 39-54)
- Claim 2: West discloses the process of claim 1 further comprising accessing said user data using plurality of types of electronic interface devices. (Col 3, lines 55-63)
- Claim 3: West discloses the process of claim 1 further comprising storing said survey on a first database and receiving said user data on a second database. (Col 4, lines 50-62)
- Claim 4: West discloses the process of claim 3 further comprising analyzing said user data prior to said step of accessing. (Col 8, line 53 through Col 9 line 43)
- Claim 5: West discloses the process of claim 4 wherein said step of analyzing comprises analyzing said user data in accordance with criteria established by a creator of said survey. (Col 4, lines 43-62 and Col 5 line 43 through Col 6, line 3)
- Claim 6: <u>West</u> discloses a process for conducting an electronic survey, said process comprising the steps of:

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a. Creating a survey by writing the survey materials and placing the survey materials into a first database as survey input data. (Col 4, lines 43-49)

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- b. Wrapping each element of said survey input data with markup
 language tags defined in a schema to provide a collection of data in
 a markup language-wrapped document. (Col 3 line 55 through Col
 4, line 8; Col 4, lines 43-49; Col 5, lines 23-27; and Col 6, lines 14 27)
- c. Publishing said markup language-wrapped document, wherein said survey input data are in the form of a collection of markup language-wrapped data, by parsing said markup language-wrapped data against said schema. (Col 6, lines 28-54)
- d. Sending the parsed, markup language-wrapped data in output defined style sheets to a plurality of types of interface devices via suitable communications networks. (Col 6, lines 28-64)
- e. Receiving survey response data in a second database via suitable communications networks. (Col 6, lines 28-64)
- f. Publishing the received data by wrapping the received data in a desired markup language document. (Col 6, lines 28-54)

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Claim 7: West discloses the process of claim 6 further comprising accessing said received data using at least one type of electronic interface device. (Col 6, lines 28-64)

- Claim 8: West discloses the process of claim 6 further comprising accessing said user data using plurality of types of electronic interface devices. (Col 6, lines 28-64)
- Claim 9: <u>West</u> discloses the process of claim 6 wherein said step of accessing is performed by a creator of said survey. (Col 6, lines 54-64)
- Claim 10: West discloses the process of claim 6 further comprising analyzing the received data prior to publishing the received data. (Col 8, line 31 through Col 9, line 36)
- Claim 11: <u>West</u> discloses the process of claim 6 wherein said markup language-wrapped data are further validated against a predefined schema. (Col 8, line 31 through Col 9, line 36)
- Claim 12: <u>West</u> discloses the process of claim 6 wherein said received data is further parsed against a second schema to enable the analyzed data to be accessed by at least one interface device type specified by a creator of the survey. (Col 4, lines 16-27)
- Claim 13: West discloses the process of claim 6 wherein said markup language is extensible markup language. (Col 3, line 64 through Col 4, line 8)

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Claim 14: <u>West</u> discloses an apparatus for conducting an electronic survey, said apparatus comprising:

- A first database for storing an electronic survey comprised of survey input data. (Col 4, lines 43-62)
- A publishing engine for sending said survey to a plurality of users having different types of electronic interface devices via suitable communications networks. (Col 6, lines 28-54)
- c. A second database for receiving survey response data from said electronic interface devices via suitable communications networks, wherein said publishing engine further publishes said survey response data for access by at least one type of electronic interface device. (Col 6, lines 28-62 and Col 9, lines 62-67)
- Claim 15: <u>West discloses the apparatus of claim 14 further comprising means</u> for analyzing said response data prior to publishing by said publishing engine. (Col 6, lines 28-54)
- Claim 16: West discloses the apparatus of claim 15 wherein said analyzing means analyzes said user data in accordance with criteria established by a creator of said survey. (Col 4, lines 43-62 and Col 5, line 43 through Col 6, line 3)
- Claim 17: <u>West</u> discloses the apparatus of claim 14 wherein, prior to sending said survey to a plurality of users, said publishing engine wraps each element of said

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survey input data with markup language tags defined in a schema to provide a collection of data in a markup language-wrapped document. (Col 6, lines 28-38 and Col 7, line 61 through Col 8, line 11)

Claim 18: West discloses the apparatus of claim 14 wherein, prior to publishing said survey response data, said publishing engine wraps each element of said survey response data with markup language tags defined in a schema to provide a collection of data in a markup language-wrapped document. (Col 6, lines 28-38 and Col 7, line 61 through Col 8, line 11)

Claim 19: <u>West</u> discloses the apparatus of claim 17 wherein said markup language is extensible markup language. (Col 3, line 55 through Col 4, line 8)

Claim 20: <u>West</u> discloses the apparatus of claim 18 wherein said markup language is extensible markup language. (Col 3, line 55 through Col 4, line 8)

Conclusion

- 5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. <u>Eggleston et al.</u> (U.S. Patent Number: 6,061,660) discloses a method for incentive and award fulfillment that incorporates surveys.
 - Matyas, Jr. (U.S. Patent Number: 6,102,287) discloses a similar method for using surveys in an electronic payment system environment.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 9am - 5pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ivb

November 17, 2005

JAMES W. MYHRE PRIMARY EXAMINER